

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,
Plaintiff,

v.

APPLE INC.,
Defendant.

Case No. 20-cv-05640-YGR (TSH)

DISCOVERY ORDER

Re: Dkt. No. 1149

This order is a follow-up to the order at ECF No. 1139 concerning Entry 307. In the previous order, the Court noted that Apple had both produced and withheld versions of this document. The Court ordered the parties to meet and confer about this situation. They have done so and remain in disagreement. Epic reiterates that the document is not privileged, or at least is not entirely privileged. Apple stands on its privilege claim in full. The parties dispute whether Apple has waived the privilege.

The Court finds that Entry 307 is privileged. *See In re Meta Pixel Healthcare Litig.*, 2024 WL 3381029, *6 (N.D. Cal. July 10, 2024) (upholding privilege claim over communication “sent by a non-attorney at counsel’s request seeking information to facilitate the provision of legal advice”). The Court further finds that Apple has not waived the privilege. Epic’s objection to the Special Master’s ruling is therefore **OVERRULED**.

IT IS SO ORDERED.

Dated: January 31, 2025


THOMAS S. HIXSON
United States Magistrate Judge